

RESOLUTION DESIGNATING AND APPROVING VARIOUS USES AND PURPOSES FOR THE CITY'S PARK, KNOWN AS OVERTON PARK

WHEREAS, the City's Charter grants the Memphis City Council the sole authority to acquire and dedicate lands for park purposes and to create a Park Commission or a separate division of City government to manage and maintain all parks, playgrounds, recreational areas or centers, park or recreational facilities, parkways, boulevards, devices, concessions or any properties, projects, budgets or operations now or at any time devoted to or designated for use or used for park purposes or as part of the park system within the City subject to the rules, regulations and limitations adopted by the Council from time to time.

WHEREAS, the Memphis City Council has by ordinance rescinded the authority, jurisdiction and control of the Memphis Park Commission over parks, playgrounds, recreational areas or centers, park or recreational facilities, parkways, boulevards, devices, concessions or any properties, projects, budgets or operations now or at any time devoted to or designated for use or used for park purposes and transferred such authority, jurisdiction and control to a newly created division of City government now known as the Division of Park Services;

WHEREAS, the City's Charter grants the Memphis City Council full power and authority at any time and from time to time to provide by ordinance or resolution the rules, regulations and provisions to govern the control, maintenance, management, conduct or operation by the City of any of the parks, playways, playgrounds, recreational centers or park or recreational facilities, devices, concessions or any properties, projects or operations now or at any time devoted to or designated for use or used for park purposes or as part of the park system of the City of Memphis;

WHEREAS, the City's Charter expressly grants the Memphis City Council full power and authority from time to time by resolution or ordinance to limit, restrict and to change or entirely terminate the use or operation of any parks, playways, playgrounds, recreational centers or park or recreational facilities, devices, concessions or any properties, projects or operations now or at any time devoted to or designated for use or used for park purposes;

WHEREAS, Overton Park is a part of the Memphis Park System and is presently subject to multiple separate and distinct uses;

WHEREAS, the Memphis City Council does hereby desire to provide for the uses and operations authorized within the City's park, now known as Overton Park, to insure that the City's park is available for the peaceful use, pleasure and recreation of all citizens of the City and all visitors of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL AS FOLLOWS:

1. **Findings.** The Council finds that

- a) Presently, Overton Park is used to house a zoo, a college of art, an outdoor entertainment complex, a museum of art, a golf course and City buildings and facilities and is also used for general recreation purposes.
- b) Unlike most neighborhood parks in the City, many of the uses in Overton Park are designed to attract usage by Memphians from all over City and by visitors from the Greater Memphis and Shelby County SMSA and beyond.
- c) The Zoo, for example has the greatest usage by citizens and visitors of any of the other various activities in the Park;

2. **Allocation of Uses of Overton Park.** In order to guide the long-range planning for the development, preservation and protection of all the present uses of the City's Park, now known as Overton Park, the Council does hereby specifically delineate define and regulate the various areas of the City's Park and the uses and operations authorized in such delineated areas. The overview of the allocate uses is reflected on Exhibit "A" attached hereto and made a part hereof by reference. To extent the Council is not in possession of a legal description prepared by a licensed engineer for any parcel the areas delineated on Exhibit "A" shall control until a conforming legal description is prepared.

3. **The City's Zoo.** The area described on collective Exhibit "B" attached hereto and incorporated herein by reference shall be devoted for zoo purposes only and may house and be used for zoo operations, parking and appurtenant buildings and facilities, except that no capital additions, permanent improvements, paving, plantings or permanent structures to that portion of the Greensward identified on Exhibit "B" shall be made by the City or any other person or entity without the prior consent and approval of the Memphis City Council.

4. **The Brooks Museum of Art.** The area defined on Exhibit "C" attached hereto and incorporated herein by reference shall be devoted for use as an art museum only and may house and be used for museum operations, parking and appurtenant buildings and facilities. The parking area described, identified and/or shown on Exhibit "C" may be used by the museum as and when needed on a priority basis to the exclusion of all other uses and without interference from any other person or entity.

5. **The Memphis College of Art.** The area defined on Exhibit "D" attached hereto and incorporated herein by reference shall be devoted for use by the Memphis College of Art only and may house and be used for its operations, parking and appurtenant buildings and facilities.

6. **The Levitt Shell.** The area defined on Exhibit "E" attached hereto and incorporated herein by reference shall be devoted for use as an outdoor entertainment facility and for general recreational usage when it is not being used for outdoor entertainment purposes and may house and be used for outdoor entertainment operations, parking and appurtenant buildings and facilities.

7. **The Overton Park Golf Course.** The area described on Exhibit "A" presently used by the City as a nine (9) hole municipal golf course, but excluding the forest areas shall continue to be devoted for use by the City for that purpose and may house its operations, parking and appurtenant buildings and facilities.

8. **City Buildings and Fire Station.** The area defined on Exhibits "A" and "F" attached hereto and incorporated herein by reference shall be devoted exclusively for City purposes and operations as the City administration shall determine from time to time.

9. **General Recreation Areas.** All areas not heretofore dedicated in this resolution for uses by the City's zoo, art museum, education facilities, outdoor entertainment, golf and municipal operations shall be devoted exclusively for general recreation uses and purposes, including parking and appurtenant buildings and facilities.

10. **Zoo Operations.** The Council does hereby ratify, affirm and approve in all respects the right and authority of the operators and patrons of the City's Zoo to use the portion of the Greensward described,

identified and/or shown on Exhibit "B" for parking as and when needed on a priority basis to the exclusion of all other uses and without interference from any other person or entity.

11. **Prior Agreements and Directives.** Except as set forth in paragraph 12 hereof, any contracts, agreements, understandings, orders, regulations, pronouncements, and resolutions now in existence, relating to Overton Park shall not be affected by this resolution.

12. **Conflicting Provisions.** This resolution establishes prescribed uses and regulations for designated areas of the park. Notwithstanding paragraph 11 hereof to the contrary, any and all contracts, agreements, understandings, orders, regulations, pronouncements, and resolutions that prescribe uses for the park or any portions thereof that are inconsistent with or in conflict with the uses of the park prescribed by this resolution are hereby declared rescinded, revoked and ineffective to the extent of such conflict or inconsistency.

13. **Effective Date.** This resolution shall take effect from and after the date it shall have been passed by the Council and become effective as otherwise provided by law. From and after the effective date of this resolution, the Division of Park Services shall see that the provisions of this resolution are observed and enforced to insure the peaceful use and enjoyment of the City's Park, now known as Overton Park, by all of the City's citizens and by all of its visitors for the use and purposes herein delineated.

14. **Modification.** This resolution may be amended or modified only by resolution or ordinance of the Council that expressly identifies the portion or portions of this resolution that are being modified or changed. To this end the Council's attorney is authorized and directed to procure the necessary surveys and/or legal

descriptions of the various areas designated herein and make such legal descriptions a part of the record in these proceedings.

15. **Headings.** Any headings preceding the text of the several paragraphs and sections hereof shall be solely for convenience of reference and shall not constitute a part of this resolution, nor shall such headings affect the meaning, construction or effect of the text of this resolution.

16. **Future Park Developments.** Nothing in this Resolution precludes all the various managers of portions of the Park or the City Administration from discussing and jointly presenting to the Council for approval potential enhancements to the park as a whole. In fact, the Council encourages such discussions and interactions.

16. **Severability.** The provisions of this Resolution are hereby severable. If any of the sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Resolution shall continue in full force and effect.

Sponsors:

Reid Hedgepeth
Patrice Robinson
Bill Morrison
Phillip Spinosa
Martavius Jones
Janis Fullilove
Edmund Ford, Jr.
Berlin Boyd
Joe Brown

KEMP CONRAD
CHAIRMAN

EXHIBIT "A"

OVERTON PARK BOUNDARIES AND DESIGNATED USES OF PARK

Art School - 570' x 480'
 Levitt - 430' x 390'
 Brooks - 650' x 300'

Fire

Maintenance

Zoo

Golf

Art School

Levitt

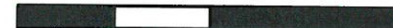
Brooks

Greensward



February 29, 2016
 Mapping and Central Records
 Scott Blankenbeckler @ 636-6954
 City of Memphis Engineering Division
 Manny Belen, Interim City Engineer

0.1 0.05 0 0.1 Miles



2910'

850'

750'

730'

1580'

710'

830'

670'

1040'

640'

1980'

1068'

2590'

EXHIBIT "B"

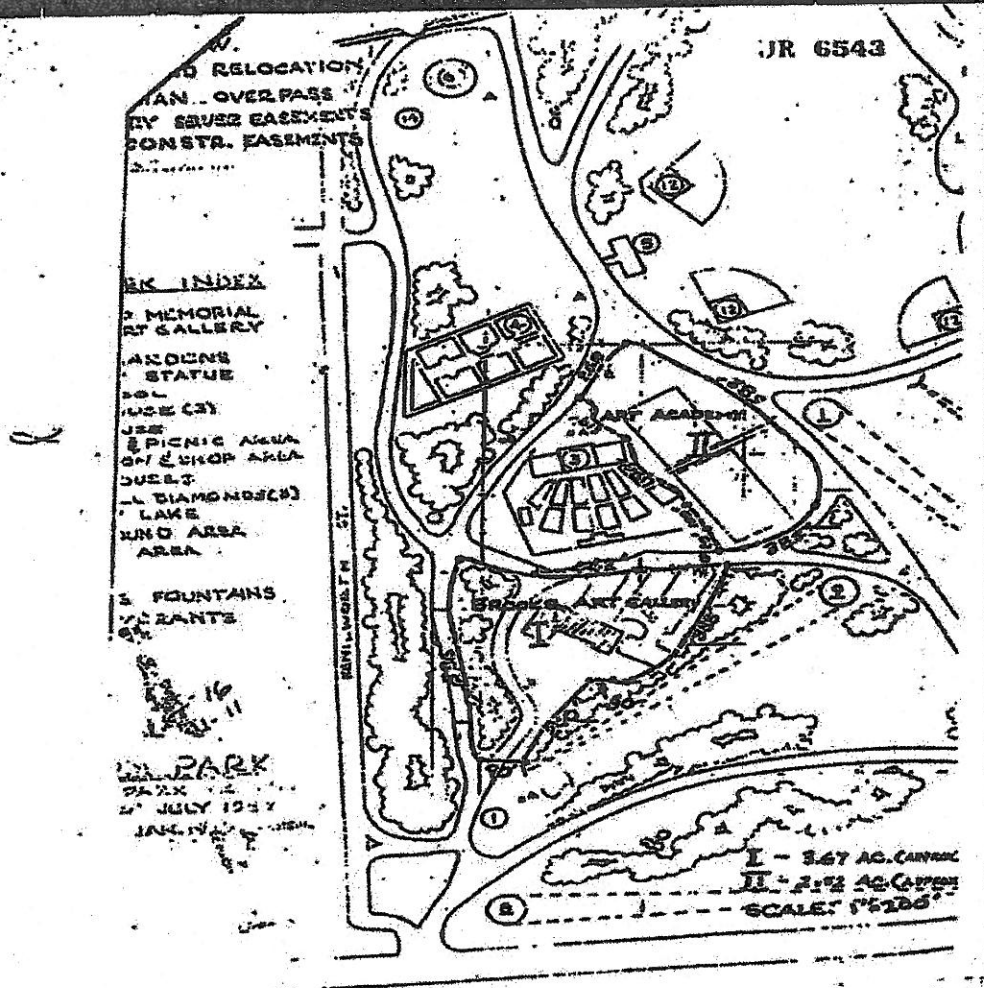
**BOUNDARIES DESIGNATED FOR ZOO PURPOSES AND GREENSWARD
PARKING**

A LEGAL DESCRIPTION OF THE AREA DESIGNATED ON THE ATTACHED
DIAGRAM TO BE PROVIDED WHEN COMPLETED

EXHIBIT "C"

BOUNDARIES OF AREA DESIGNATED FOR MUSEUM PURPOSES

A LEGAL DESCRIPTION OF THE AREA DESIGNATED ON THE ATTACHED
DIAGRAM AS PARCEL I TO BE PROVIDED WHEN COMPLETED



JR 6543

No.	
D/C	DR. 9
P/C	12
Vol	
STATE TAX	
RECORDING FEE	1.00
RECORDING FEE	2.00
OP FEE	
MI	MISC FEE
TOTAL	3.00
STATE OF TENNESSEE	
SHELBY COUNTY	
GUY B. BATES	
REGISTER	

JR6543

SHELBY COUNTY
REGISTER OF DEEDS
99 AUG 27 AM 11:31

EXHIBIT "D"

LEGAL DESCRIPTION OF AREA DESIGNATED FOR COLLEGE OF ART

EXHIBIT "D"

COLLEGE OF ART

Situated in Overton Park, in the City of Memphis, Shelby County,

Tennessee to-wit:

Being part of the property acquired from Overton Lea and wife, Ella Lea as recorded with Shelby County, Tennessee Register book 295 page 457 and being more particularly described as follows:

Beginning at a point on the curb of the South boundary street, said point being directly under a light pole; thence, East and Northwardly at a curve some 385' to the East boundary street; thence North and Eastwardly at a curve some 582' along said curve to a point near the intersection of the East boundary street, and a North boundary street; thence, West and Southwardly along the curb of said North boundary street some 268' to the North side of a paved service entrance to the Art Academy and the Overton Park Shell; thence, South and Eastwardly at a curve 118' to the Northeast corner of a former fence surrounding the Overton Park Shell and continuing along said fence line 196'; thence, South and East 100' to a Historic Marker (Andrew Jackson); thence, Southwardly 60' to the point **of** beginning; and being the property marked II on the Plan attached hereto as Exhibit A.

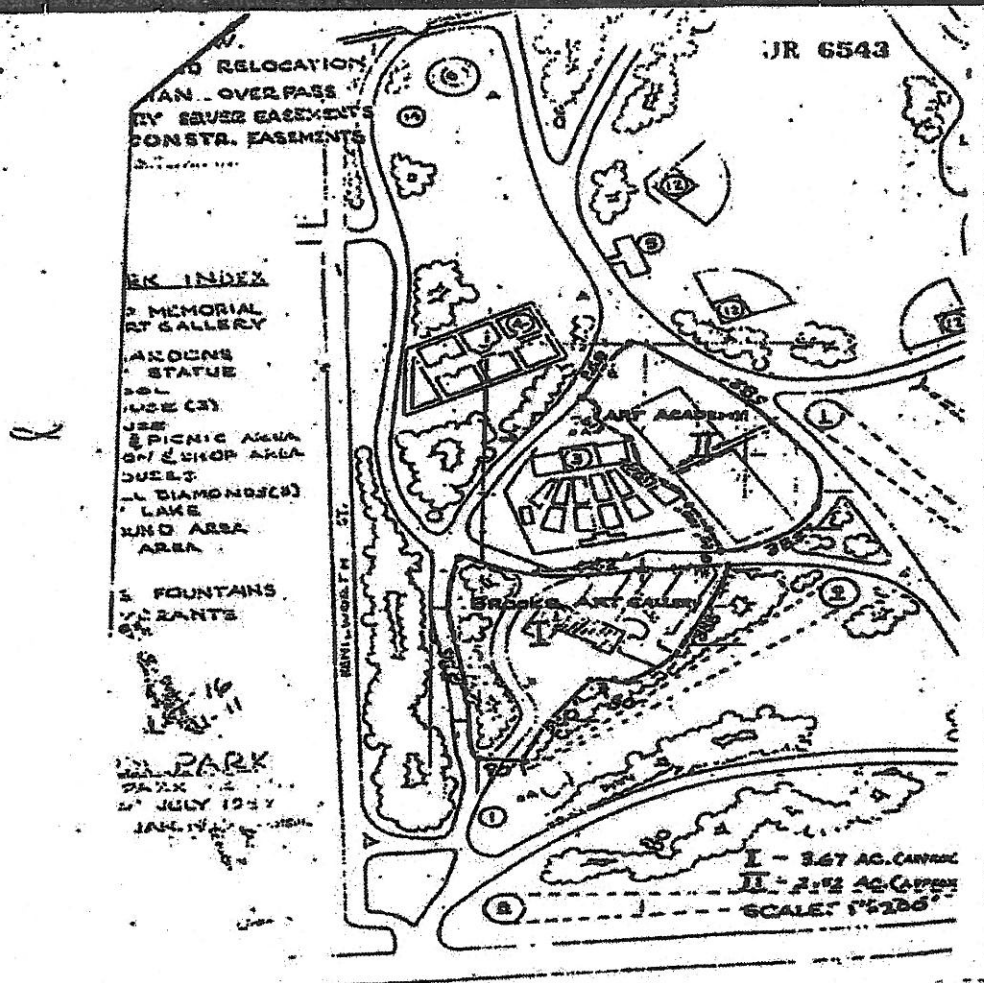
Less and except the clock tower and memorial stones presently located on the above described property and not associated with the College and less and except the sidewalk on the east and south of said Premises marked "Sidewalk" on the plat attached hereto as Exhibit B.

EXHIBIT "E"

BOUNDARIES OF AREA DESIGNATED FOR LEVITT SHELL PURPOSES

A LEGAL DESCRIPTION OF THE AREA DESIGNATED ON THE ATTACHED

DIAGRAM AS PARCEL 3 TO BE PROVIDED WHEN COMPLETED



JR 6543

No.	
D/C	DR 9
PER.	12
Vol.	
STATE TAX	
RECORDING FEE	1700
RECORDING FEE	200
D P FEE	
W/	MISC FEE
TOTAL	2100

STATE OF TENNESSEE
 SHELBY COUNTY
 GUY B. BATES
 REGISTER

JR6543

SHELBY COUNTY
 REGISTER OF DEEDS
 99 AUG 27 AM 11:31

EXHIBIT "F"

LEGAL DESCRIPTION OF AREAS DESIGNATED FOR CITY PURPOSES

A LEGAL DESCRIPTION OF THE FIRE STATION AREA TO BE PROVIDED

WHEN COMPLETED

EXHIBIT "F"
CITY MAINTENANCE BUILDINGS

Property description of part of the City of Memphis property (no deed referenced found) located at the northwest corner of Poplar Avenue and East Parkway North in Memphis, Shelby County, Tennessee:

Beginning at the east end of a curve located at the intersection of the north line of Poplar Avenue with the west line of East Parkway North; thence southwestwardly along a curve to the right having a radius of 40.00 feet a distance of 35.70 feet (chord « South 84 degrees 44 minutes 49 seconds West 34.53 feet, delta « 51 degrees 08 minutes 19 seconds) to a point of tangency in the north line of Poplar Avenue (88 foot right-of-way); thence North 69 degrees 41 minutes 01 seconds West with the north line of Poplar Avenue a distance of 287.10 feet to a point of curvature; thence northwestwardly along a curve to the left having a radius of 643.00 feet with the north line of Poplar Avenue a distance of 108.75 feet (chord - North 74 degrees 31 minutes 44 seconds West 108.62 feet, delta « 09 degrees 41 minutes 27 seconds) to a point; thence northerly generally along a fence the following three calls:

North 00 degrees 47 minutes 24 seconds East a distance of 559.25 feet to a point; thence North 84 degrees 33 minutes 05 seconds East a distance of 93.32 feet to a point; thence North 00 degrees 22 minutes 37 seconds East a distance of 211.95 feet to a point; thence South 88 degrees 23 minutes 59 seconds East a distance of 467.20 feet to a point in the west line of East Parkway North; thence South 02 degrees 04 minutes 41 seconds West with the west line of East Parkway North a distance of 14.49 feet to an angle point; thence South 04 degrees 10 minutes 12 seconds West with the west line of East Parkway North a distance of 780.58 feet to a point of curvature; thence southwestwardly along a curve to the right having a radius of 76.00 feet a distance of 72.97 feet (chord - South 31 degrees 40 minutes 26 seconds West 70.19 feet delta *= 55 degrees 00 minutes 28 seconds) to a point of tangency; thence South 59 degrees 10 minutes 40 seconds West a distance of 77.52 feet to the point of beginning and containing 9.92 acres.

Tract 1

Commencing at the east end of a curve located at the intersection of the north line of Poplar Avenue with the west line of East Parkway North; thence southwestwardly along a curve to the right having a radius of 40.00 feet a distance of 35,70

feet (chord *= South 84 degrees 44 minutes 49 seconds West 34.53 feet, delta « 51 degrees 08 minutes 19 seconds) to a point of tangency in the north line of Poplar Avenue (88 foot right-of-way); thence North 69 degrees 41 minutes 01 seconds West with the north line of Poplar Avenue a distance of 287.10 feet to a point of curvature; thence northwestwardly along a curve to the left having a radius of 643.00 feet with the north line of Poplar Avenue a distance of 108.75 feet (chord « North 74 degrees 31 minutes 44 seconds West 108.62 feet, delta - 09 degrees 41 minutes 27 seconds) to a point; thence northerly generally along a fence the following three calls:

North 00 degrees 47 minutes 24 seconds East a distance of 559.25 feet to a point; thence North 84 degrees 33 minutes 05 seconds East a distance of 93.32 feet to a point; thence North 00 degrees 22 minutes 37 seconds East a distance of 211.95 feet to a point, said point being the true point of beginning; thence continuing along a fence the following two calls:

North 03 degrees 04 minutes 19 seconds East a distance of 334.84 feet to a point; thence North 18 degrees 28 minutes 16 seconds East a distance of 189.68 feet to a point; thence South 88 degrees 23 minutes 56 seconds East generally along a fence a distance of 407.84 feet to a point in the west line of East Parkway North; thence South 02 degrees 04 minutes 41 seconds West with the west line of East Parkway North a distance of 516.26 feet to a point; thence North 88 degrees 23 minutes 59 seconds West a distance of 467.20 feet to the point of beginning and containing 5.38 acres.